

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

LeAndre Dion Budden,

Plaintiff,

v.

Warden Janson,

Defendant.

C/A: 9:24-cv-678-RMG

ORDER

Before the Court is the Report and Recommendation (“R&R”) (Dkt. No. 18) of the Magistrate Judge recommending that the Court dismiss this matter pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. Plaintiff was given notice of right to the file written objections to the R & R within fourteen days of service of the R & R and a failure to file objections would limit review by the District Court to clear error review and waiver of the right to appeal. (*Id.* at 4). Plaintiff filed no objections to the R & R.

Legal Standards

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d

310, 315 (4th Cir. 2005) (internal quotation omitted). Because Plaintiffs did not file objections to the R&R, the R&R is reviewed for clear error.

Discussion

After a review of the record and the R&R, the Court finds that the Magistrate Judge ably addressed the issues and correctly determined that Plaintiff's action should be dismissed for the failure to prosecute under Rule 41(b). Plaintiff filed no objections to the R & R.

Conclusion

For the forgoing reasons, the Court **ADOPTS** the R&R (Dkt. No. 18) as the Order of the Court and **DISMISSES** action pursuant to Rule 41(b) for failure to prosecute.

AND IT IS SO ORDERED.

Richard Mark Gergel
United States District Judge

September 16, 2024
Charleston, South Carolina